

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

THE STATE OF OREGON,

Plaintiff,

v.

ALAN SWINNEY

Defendant.

No. C 20CR-50067

DA 2426200

MOTION TO COMPEL DISCOVERY

The State of Oregon, by and through Deputy District Attorney Nathan Vasquez, respectfully moves this court for an order compelling defendant to comply with ORS 135.835 which states:

Except as otherwise provided in ORS 135.855 and 135.873, the defense shall disclose to the district attorney the following material and information within the possession or control of the defense:

(1) The names and addresses of persons, including the defendant, whom the defense intends to call as witnesses at the trial, together with relevant written or recorded statements or such memoranda of any oral statements of such persons other than the defendant.

(2) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons, that the defense intends to offer in evidence at trial.

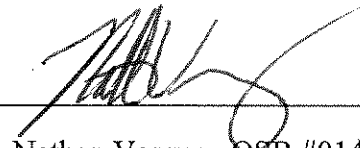
(3) Any books, papers, documents, photographs or tangible objects that the defense intends to offer in evidence at that trial.

To date, the defendant has provided the state with absolutely no discovery. This has been pending for almost a year. The state has provided the defense with police reports, grand jury testimony, photos, videos, audio recordings, jail letters, and jail phone calls. The state allowed the defendant to fully review the state's materials. The state has sent multiple email requests to the defense requesting these materials. Currently this case is set for trial in less than weeks from the date of this motion.

1 It is the state's belief that the defense (or persons retained by the defense) possess additional
2 documents and materials (including, but not limited to witness statements, videos, and photos).

3 The state respectfully requests the court to order any existing documents, photos, or other
4 materials described within ORS 135.835 be disclosed immediately.
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7 Respectfully submitted this 7th day of September, 2021.

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11 Nathan Vasquez OSB #014437
12 Deputy District Attorney
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Mr. Joseph Westover
Multnomah Defenders Inc
522 SW 5th Ave Ste 1000
Portland OR 97204

Ms. Megha H Desai
Multnomah Defenders Inc
522 SW 5th Ave Ste 1000
Portland OR 97204

by delivering via email, hand delivery, to their offices, placing in their discovery box or faxing on September 7, 2021,

Dated this 7th day of September, 2021